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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

New York City Opera, Inc.

Debtor.

Chapter 11

Case No. 13-13240 (SHL)

**DEBTOR'S MOTION FOR ORDER SHORTENING TIME FOR NOTICE OF  
HEARING TO CONSIDER ENTRY OF BIDDING PROCEDURES ORDER**

New York City Opera, Inc., the above-captioned debtor and debtor in possession (the “**Debtor**”) in the above-captioned chapter 11 case, having filed the *Debtor's Motion for Orders (I) Approving (A) Bidding Procedures, (B) Certain Bid Protections, (C) Form and Manner of Sale Notice, and (D) Sale Hearing Date, (II) Authorizing the Debtor to Enter Into the Assigned Contract, and (III) Authorizing the Sale of Certain Assets Free and Clear of Liens, Claims, and Encumbrances* (the “**Sale Motion**”),<sup>1</sup> hereby file this motion (the “**Motion to Shorten**”) pursuant to Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), for entry of an order shortening the time (the “**Order**”) substantially in

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Sale Motion.

the form attached hereto as **Exhibit A**, to consider entry of the Bidding Procedures Order on **December 22, 2014 at 10:00 a.m. (ET)**. In support of the Motion to Shorten, the Debtor respectfully represents as follows:

### **JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b) and the *Standing Order of Reference* dated February 1, 2012 (Preska, C.J.). This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory predicates for the relief requested herein are Bankruptcy Rule 9006(c)(1), the applicable Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “**Local Rules**”) and the Amended Guidelines for the Conduct of Asset Sales adopted by this Court pursuant to *General Order M-383*, dated November 18, 2009 (Bernstein, C.J.) (the “**SDNY Sale Guidelines**”).

### **RELIEF REQUESTED**

4. The Debtor respectfully requests that the Court shorten the fourteen (14) day notice period required by Local Rule 9006-1(b) to allow a hearing to consider entry of the Bidding Procedures Order (the “**Bidding Procedures Hearing**”) to take place on **December 22, 2014 at 10:00 a.m. (ET)**.

### **BASIS FOR RELIEF**

5. In accordance with Local Rule 9006-1(b), the Debtor would be required to provide at least fourteen (14) days’ notice of the Bidding Procedures Hearing to the necessary parties specified in Bankruptcy Rule 2002, Local Rule 9006-1(b) and the SDNY Sale Guidelines. Bankruptcy Rule 9006(c)(1) authorizes the Court to reduce the notice period.

6. Bankruptcy Rule 9006(c)(1) provides, in relevant part, as follows:

[W]hen an act is required or allowed to be done at or within a specified time by these rules ..., the court for cause shown may in

its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1).

7. As detailed in the Sale Motion, the Debtor first seeks entry of the Bidding Procedures Order: (a) approving the certain bidding procedures, notice procedures, and certain bid protections to be provided to Buyer pursuant to the Asset Purchase Agreement and (b) authorizing the Debtor to enter into the Assigned Contract. Thereafter, the Debtor proposes to solicit competing offers, conduct an auction, if necessary, and ultimately seek approval of the sale of the Acquired Assets at a second hearing proposed to be conducted on January 15, 2015. Given the extensive amount of time already expended by the Debtor and Buyer in connection with the proposed sale, the Debtor seeks to shorten the notice period solely with respect to the entry of the Bidding Procedures Order. Upon entry of the Bidding Procedures Order, the Debtor proposes to serve the Bidding Procedures Order upon all parties required under Bankruptcy Rules 2002 and 6004 and the SDNY Sale Guidelines within two (2) business days. Accordingly, the Debtor will provide twenty-one (21) days' notice of the Sale Hearing and, therefore, parties will be given ample opportunity to submit competing offers and/or file any objections to the proposed sale. Accordingly, the Debtor submits that shortened notice is appropriate under the circumstances.

### **NOTICE**

8. The Debtor intends to serve this Motion to Shorten, any order granting this Motion to Shorten and the Sale Motion upon (i) the Office of the United States Trustee for Region 2, Attn: Susan D. Golden, Esq.; (ii) the New York State Attorney General, Attn: Rose Firestein, Esq.; (iii) counsel to the Committee; (iv) counsel to Buyer; (v) any entities known or reasonably believed to have expressed an interest in acquiring the Acquired Assets; and (vi) those parties who have filed a notice of appearance and request for service of pleadings in this Chapter 11 Case pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, the Debtor submits that no other or further notice is required.

**WHEREFORE**, the Debtor respectfully requests that this Court (a) enter the Order substantially in the form attached hereto as **Exhibit A**; and (b) grant the Debtor such other and further relief as the Court may deem proper.

Dated: December 10, 2014

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

*/s/ Nicole Stefanelli*

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*Proposed Counsel to the Debtor and  
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**Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

New York City Opera, Inc.

Debtor.

Chapter 11

Case No. 13-13240 (SHL)

**ORDER SHORTENING TIME FOR NOTICE OF HEARING TO  
CONSIDER ENTRY OF BIDDING PROCEDURES ORDER**

Upon consideration of the motion (the “**Motion to Shorten**”)<sup>1</sup> of the above-captioned debtor in possession (the “**Debtor**”), seeking entry of an order providing that the applicable notice period for a hearing to consider entry of the Bidding Procedures Order be shortened pursuant to Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”); and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334 and the *Standing Order of Reference* dated February 1, 2012 (Preska, C.J.); and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that notice of the Motion is sufficient under the circumstances; and any objections to the requested relief having been withdrawn or overruled; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion to Shorten is granted as set forth herein.
2. The Bidding Procedures Hearing will be held before this Court on

**December \_\_, 2014 at \_\_:00 \_\_.m. (ET).**

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion to Shorten.

3. Any party wishing to object to the relief requested in the Bidding Procedures Order must file and serve such objection on or before **December \_\_, 2014 at \_\_:00 \_\_.m. (ET).**

4. The Debtor shall serve this Order, along with the Motion to Shorten and the Sale Motion via fax, electronic mail or overnight mail within one (1) business day of entry upon: (i) the Office of the United States Trustee for Region 2, Attn: Susan D. Golden, Esq.; (ii) the New York State Attorney General, Attn: Rose Firestein, Esq.; (iii) counsel to the Committee; (iv) counsel to Buyer; (v) any entities known or reasonably believed to have expressed an interest in acquiring the Acquired Assets; and (vi) those parties who have filed a notice of appearance and request for service of pleadings in this Chapter 11 Case pursuant to Bankruptcy Rule 2002.

5. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation and enforcement of this Order.

Dated: December \_\_, 2014

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HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE